

***Notice of Non-Responsive Reply***

1. The reply filed on 12/10/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not elected a species per the species election requirement set forth in the restriction requirement dated 11/13/2008.

2. The following species election is required:

(1) A single blend comprising two or more compounds as previously required.

To clarify, please elect a single blend by electing for EACH component (i)-(v):

- (i) In addition to salicylic acid (as elected by Applicant in the Response filed on 12/10/2008), specify whether **promoting compounds** are (i-a) absent from the elected blend or (i-b) present in the elected blend and if present, elect with specificity the promoting compound(s) that are present in the elected blend as recited by claim 6. **Also**, specify whether **modulating compounds** are (i-c) absent from the elected blend or (i-d) present in the elected blend and if present, elect with specificity the modulating compound(s) that are present in the elected blend as recited by claim 7. If a modulating compound having the formula (III) is present, define with specificity each of  $R_1$ ,  $R_4$ ,  $R_5$ ,  $m$ ,  $R'$  and any additional variables as required for a particular species;
- (ii) Specify whether the compounds are (ii-a) not present in hydrate form or (ii-b) present in hydrate form;

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- (iii) Specify the concentration of each compound present in the elected blend as recited by claim 9;
- (iv) If promoting compound(s) are present in the elected blend, specify whether the elected promoting compound(s) are (iv-a) not in micronized form or (iv-b) in micronized form as recited by claim 10;
- (v) Specify whether other active principles as recited by claim 13 are (v-a) absent or (v-b) present and if present, elect with specificity the active principle(s) present in the elected blend as well as the concentration of the elected active principle(s).

Claims 1-4 are currently generic.

3. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRAIG RICCI whose telephone number is (571) 270-5864. The examiner can normally be reached on Monday through Thursday, and every other Friday, 7:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CRAIG RICCI/  
Examiner, Art Unit 1614

/Ardin Marschel/  
Supervisory Patent Examiner, Art Unit 1614